



PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

SAVERIO CARL FALCO ET AL.

CASE NO.: BB1205 US NA

APPLICATION NO.: 09/464,528

GROUP ART UNIT: 1646

FILED: DECEMBER 15, 1999

EXAMINER: C. COLLINS

FOR: S-ADEOSYL-L-METHIONINE SYNTHETASE  
PROMOTER AND ITS USE IN EXPRESSION  
OF TRANSGENIC GENES IN PLANTSRESPONSEAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is submitted in response to the Office Action dated January 31, 2001 regarding the subject application. Applicants respectfully request reconsideration and submit the following in support thereof.

In the Claims

Kindly amend the claims as follows:

- sub  
C1  
A
1. (amended) An isolated nucleic acid fragment comprising:
    - a) a promoter having at least 80% identity with any of the nucleotide sequences set forth in SEQ ID NOs:6, 14, 15, or 16 based on the Clustal method of alignment, or
    - b) a promoter which hybridizes with any of the nucleotide sequences set forth in SEQ ID NOs:6, 14, 15, or 16 under moderately stringent conditions.

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2. (amended) A chimeric gene comprising at least one heterologous nucleic acid fragment operably linked to the promoter of Claim 1.

3. (amended) A plant comprising the chimeric gene of Claim 2.

- sub  
C2  
A2
7. (amended) Seed of the plant as in one of Claims 3-6.

8. (amended) A method of expressing at least one heterologous nucleic acid fragment in a plant cell which comprises:

- (a) transforming a plant cell with the chimeric gene of Claim 2;
- (b) growing fertile mature plants from the transformed plant cell of step (a);